

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|   |   |                     |
|---|---|---------------------|
| IN RE INTEL CORPORATION<br>MICROPROCESSOR ANTITRUST<br>LITIGATION               | ) | MDL No. 05-1717-JJF |
|   | ) |                     |
|   | ) |                     |
| ADVANCED MICRO DEVICES, INC. and<br>AMD INTERNATIONAL SALES & SERVICE,<br>LTD., | ) | C.A. No. 05-441-JJF |
|   | ) |                     |
| Plaintiffs,   | ) |                     |
|   | ) |                     |
| v.  | ) |                     |
|   | ) |                     |
| INTEL CORPORATION and INTEL<br>KABUSHIKI KAISHA,                                | ) |                     |
|   | ) |                     |
| Defendants.   | ) |                     |
|   | ) |                     |
| PHIL PAUL, on behalf of himself and all others<br>similarly situated,           | ) | C.A. No. 05-485-JJF |
|   | ) |                     |
|   | ) |                     |
| Plaintiffs,   | ) |                     |
|   | ) |                     |
|   | ) |                     |
| vs.   | ) |                     |
|   | ) |                     |
| INTEL CORPORATION,  | ) |                     |
| Defendant.  | ) |                     |

**NOTICE OF TAKING DEPOSITION OF  
ADVANCED MICRO DEVICES, INC. and  
AMD INTERNATIONAL SALES & SERVICE, LTD.**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendants Intel Corporation and Intel Kabushiki Kaisha will take the deposition of Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. on September 23, 2008 beginning each day at 9:30 a.m., at the offices of Howrey LLP, 525 Market Street, Suite 3600, San Francisco, CA 94105, or at such other time and place as the parties may agree. The

deposition will be recorded by stenographic and sound-and-visual (videographic) means, will be taken before a Notary public or other officer authorized to administer oaths, and will continue from day-to-day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, AMD is hereby notified of its obligation to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on its behalf as to all matters embraced in the "Description of Matters on Which Examination is Requested" and known or reasonably available to AMD.

OF COUNSEL:

**POTTER ANDERSON & CORROON LLP**

Robert E. Cooper  
Daniel S. Floyd  
Gibson, Dunn & Crutcher LLP  
333 South Grand Avenue  
Los Angeles, CA 900071  
(213) 229-7000

Darren B. Bernhard  
Howrey LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
(202) 783-0800

By: /s/ W. Harding Drane, Jr.  
Richard L. Horwitz (#2246)  
W. Harding Drane, Jr. (#1023)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951  
(302) 984-6000  
[rhorwitz@potteranderson.com](mailto:rhorwitz@potteranderson.com)  
[wdrane@potteranderson.com](mailto:wdrane@potteranderson.com)

*Attorneys for Defendants  
Intel Corporation and Intel Kabushiki Kaisha*

Dated: August 12, 2008

878045/29282

## **EXHIBIT A**

### **DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED**

#### **DEFINITIONS AND INSTRUCTIONS**

1. "AMD" means Advanced Micro Devices, Inc. and AMD International Sales & Services, Inc., including but not limited to their subsidiaries, joint ventures, past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.
2. "Discounts" mean all rebates, price adjustments, bonuses, incentives, NRE, MDF, or any other payment or credit that AMD offered to a customer in conjunction with an offer or sale of x86 microprocessors. Discounts include those price adjustments that are designated as applying to individual processor types (SKUs) and separately the discounts intended to apply to any/all processor purchases.
3. "Large volume customers" means AMD's top twenty (20) x86 microprocessor customers by volume for each calendar year from 2000 to the present.
4. "Customer or Customers" means any other customer that buys x86 microprocessors from AMD and is not captured in definition 3 above, for the period January 1, 2000 to the present.
5. "Contracts" means any agreements between AMD and its large volume customers or other customers relating to the purchase or sale of x86 microprocessors.
6. "Offers for the sale of x86 microprocessors" means any communication from AMD to its large volume customers or other customers, or vice versa, setting forth a price,

discount, or any other proposed term or condition, for the sale of any quantity of x86 microprocessors.

7. This Rule 30(b)(6) deposition notice seeks a corporate witness to testify on the topics set out below for the period January 1, 2000 to the present.

#### **SUBJECT MATTER**

1. For each x86 microprocessor that you have sold to a large volume customer, the existence and location of any database, or documents referring or relating to: (1) the identity of the customer; (2) the quantity or volume purchased; (3) the list, customer authorized, standard or other similar price in effect at the time of the transaction; (4) the date; (5) the transaction or other identifying number; (6) the microprocessor brand, SKU or equivalent measure, model and speed; (7) any rebate discount, or price adjustment (in whatever form) and the reasons that such pricing was provided; (8) any volume conditions, requirements or restrictions; (9) all other terms and conditions for sale; and (10) the volume actually purchased and price actually paid.

2. AMD's corporate policies and practices concerning the documentation of the terms and conditions of sale of x86 microprocessors, including data collection and storage, contracts, pricing and discount offers, files, or any other relevant manner in which sales information is maintained.

3. The manner in which data and documents concerning offers, prices, discounts, volumes, billings, and terms and conditions for the sale of x86 microprocessors are collected, retained, and indexed, and communicated to large volume customers or other customers, and the types of systems that AMD utilizes or has utilized to manage this information and/or data.

4. AMD corporate policies and practices concerning the use, retention, and indexing of contracts setting forth the terms and conditions of sale of x86 microprocessors.

5. The existence and location of contracts between AMD and its large volume customers setting forth the terms and conditions of sale of x86 microprocessors.

6. AMD corporate policies and practices concerning the use, retention, and indexing of offers for the sale of x86 microprocessors to its large volume customers, including all prices, discounts, or any other term and condition associated with those offers.

7. The existence and location of communications concerning the sale of x86 microprocessors to large volume customers, including but not limited to PowerPoint presentations, formal offer sheets, contracts, letters, memos, email communications, or databases, and all prices, discounts, or any other terms and conditions associated with any of the foregoing.

8. AMD corporate policies and practices concerning the use, retention, and indexing of files, including all correspondence, negotiating history, or any other relevant customer-specific information, associated with each large volume customer.

9. The existence and location of files, including all correspondence, negotiating history, or any other relevant customer-specific information, associated with each large volume customer.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, W. Harding Drane, Jr., hereby certify that on August 12, 2008 the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Jesse A. Finkelstein  
Frederick L. Cottrell, III  
Chad M. Shandler  
Steven J. Fineman  
Richards, Layton & Finger  
One Rodney Square  
920 North King Street  
Wilmington, DE 19801

James L. Holzman  
J. Clayton Athey  
Prickett, Jones & Elliott, P.A.  
1310 King Street  
P.O. Box 1328  
Wilmington, DE 19899

I hereby certify that on August 12, 2008, I have Electronically Mailed the documents to the following non-registered participants:

Charles P. Diamond  
Linda J. Smith  
O'Melveny & Myers LLP  
1999 Avenue of the Stars, 7<sup>th</sup> Floor  
Los Angeles, CA 90067  
[cdiamond@omm.com](mailto:cdiamond@omm.com)  
[lsmith@omm.com](mailto:lsmith@omm.com)

Mark A. Samuels  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, CA 90071  
[msamuels@omm.com](mailto:msamuels@omm.com)

Salem M. Katsh  
Laurin B. Grollman  
Kasowitz, Benson, Torres & Friedman LLP  
1633 Broadway, 22<sup>nd</sup> Floor  
New York, New York 10019  
[skatsh@kasowitz.com](mailto:skatsh@kasowitz.com)  
[lgrollman@kasowitz.com](mailto:lgrollman@kasowitz.com)

Michael D. Hausfeld  
Daniel A. Small  
Brent W. Landau  
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 500, West Tower  
Washington, D.C. 20005  
[mhausfeld@cmht.com](mailto:mhausfeld@cmht.com)  
[dsmall@cmht.com](mailto:dsmall@cmht.com)  
[blandau@cmht.com](mailto:blandau@cmht.com)

Thomas P. Dove  
Alex C. Turan  
The Furth Firm LLP  
225 Bush Street, 15<sup>th</sup> Floor  
San Francisco, CA 94104  
[tdove@furth.com](mailto:tdove@furth.com)  
[aturan@furth.com](mailto:aturan@furth.com)

Guido Saveri  
R. Alexander Saveri  
Saveri & Saveri, Inc.  
111 Pine Street, Suite 1700  
San Francisco, CA 94111  
[guido@saveri.com](mailto:guido@saveri.com)  
[rick@saveri.com](mailto:rick@saveri.com)

Steve W. Berman  
Anthony D. Shapiro  
Hagens Berman Sobol Shapiro, LLP  
1301 Fifth Avenue, Suite 2900  
Seattle, WA 98101  
[steve@hbsslaw.com](mailto:steve@hbsslaw.com)  
[tony@hbsslaw.com](mailto:tony@hbsslaw.com)

Michael P. Lehman  
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.  
One Embarcadero Center, Suite 526  
San Francisco, CA 94111  
[mlehmann@cmht.com](mailto:mlehmann@cmht.com)

By: /s/ W. Harding Drane, Jr  
Richard L. Horwitz (#2246)  
W. Harding Drane, Jr. (#1023)  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19899-0951  
(302) 984-6000  
[rhowitz@potteranderson.com](mailto:rhowitz@potteranderson.com)  
[wdrane@potteranderson.com](mailto:wdrane@potteranderson.com)  
*Attorneys for Defendants*  
*Intel Corporation and Intel Kabushiki Kasiha*

Dated: August 12, 2008

738395 / 29282